

# SENATE BILL No. 171

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## DIGEST OF INTRODUCED BILL

**Citations Affected:** IC 34-55-10-2.

**Synopsis:** Excludes a debtor's child support from levy. Provides that child support owed to a debtor (including arrearages) is not subject to levy upon execution of any final judicial process founded on tort or contract (including bankruptcy).

**Effective:** July 1, 2002.

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January 7, 2002, read first time and referred to Committee on Judiciary.

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Introduced

Second Regular Session 112th General Assembly (2002)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2001 General Assembly.

## SENATE BILL No. 171

A BILL FOR AN ACT to amend the Indiana Code concerning family law and juvenile law.

*Be it enacted by the General Assembly of the State of Indiana:*

1 SECTION 1. IC 34-55-10-2 IS AMENDED TO READ AS  
2 FOLLOWS [EFFECTIVE JULY 1, 2002]: Sec. 2. (a) This section does  
3 not apply to judgments obtained before October 1, 1977.

4 (b) The following property of a judgment debtor domiciled in  
5 Indiana is not subject to levy or sale on execution or any other final  
6 process from a court, for a judgment founded upon an express or  
7 implied contract or a tort claim:

8 (1) Real estate or personal property constituting the personal or  
9 family residence of the judgment debtor or a dependent of the  
10 judgment debtor, or estates or rights in that real estate or personal  
11 property, of not more than seven thousand five hundred dollars  
12 (\$7,500). The exemption under this subsection is individually  
13 available to joint judgment debtors concerning property held by  
14 them as tenants by the entireties.

15 (2) Other real estate or tangible personal property of four  
16 thousand dollars (\$4,000).

17 (3) Intangible personal property, including choses in action (but

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1 excluding debts owing and income owing), of one hundred dollars  
2 (\$100).

3 (4) Professionally prescribed health aids for the judgment debtor  
4 or a dependent of the judgment debtor.

5 (5) Any interest that the judgment debtor has in real estate held as  
6 a tenant by the entireties on the date of the filing of the petition  
7 for relief under the bankruptcy code, unless a joint petition for  
8 relief is filed by the judgment debtor and spouse, or individual  
9 petitions of the judgment debtor and spouse are subsequently  
10 consolidated.

11 (6) An interest, whether vested or not, that the judgment debtor  
12 has in a retirement plan to the extent of:

13 (A) contributions, or portions of contributions, that were made  
14 to the retirement plan:

15 (i) by or on behalf of the debtor; and

16 (ii) which were not subject to federal income taxation to the  
17 debtor at the time of the contribution;

18 (B) earnings on contributions made under clause (A) that are  
19 not subject to federal income taxation at the time of the  
20 judgment; and

21 (C) roll-overs of contributions made under clause (A) that are  
22 not subject to federal income taxation at the time of the  
23 judgment.

24 (7) Money that is in a medical care savings account established  
25 under IC 6-8-11.

26 **(8) The debtor's right to receive child support, including child**  
27 **support owed but not paid.**

28 (c) The total value of the property exempted under subsection (b)(1)  
29 through (b)(3) may not exceed ten thousand dollars (\$10,000).

30 (d) Real estate or personal property upon which a debtor has  
31 voluntarily granted a lien is not, to the extent of the balance due on the  
32 debt secured by the lien:

33 (1) subject to this chapter; or

34 (2) exempt from levy or sale on execution or any other final  
35 process from a court.

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